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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/688,867	10/17/2000	Masahiko Fujita	Q61035	2472

7590

02/13/2002

SUGHRUE, MION, ZINN, MACPEAK & SEAS  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037

EXAMINER

NGUYEN, TRAN N

ART UNIT

PAPER NUMBER

2834

DATE MAILED: 02/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/688,867

Applicant(s)

FUJITA ET AL.

Examiner

Tran N. Nguyen

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 8-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6. 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Claim Rejections - 35 USC § 112*

2. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, "a cylindrical core proximal portion" is indefinite because it is unclear what is the structural relationship between the laminated magnetic plate strips and the cylindrical core proximal portion. Does the core comprise these two elements separately?

In light of the spec., the above limitations is understood as the iron core comprising: laminated magnetic plate strips, wherein each strip, after being formed into said core, having a cylindrical core proximal portion;"

In claim 1, "a cylindrical core member" is part of the iron core or is it an equipment to form the magnetic strips into a cylindrical shape of the iron core? It appears that the so-called "a cylindrical core member" is not part of the iron core.

In claim 1 and claim 7, it is unclear that a so-called "a substantially hexahedral laminate" is one of the laminated magnetic plate strips or not. If the first is true, i.e., the strips including at least one hexahedral laminated strip, then the recitation should be clarified, and otherwise, what is the structural relationship of the hexahedral laminate and the laminated magnetic plate strips? In claim 7's the limitation is that the iron core is formed by curving a single substantially hexahedral laminate. This further makes the claimed language in claim 1, from which claim 7 depends, to be more confusing. If the entire iron

core is formed by only one laminate hexahedral laminate then what do the magnetic strips (recited in claim 1) take part in the core structure? In light of the spec., it is understood that the iron core comprise a laminated magnetic plate strip, wherein the strip is a substantially hexahedral laminate.

In claim 1, lines 9-15, "wherein the iron core is fabricated by curving...curvature, forming.....by wrapping...and joining both end portions" is indefinite because the recitation is a method of making the iron core. The recitation is a so-called product-by-process feature, the method of forming the device is not germane to the issue of patentability of the device itself. (*In re Thorpe*, 227 USPQ 964, 966.)

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1 and 7**, as understood, are rejected under 35 U.S.C. 102(b) as being fully anticipated by Ohuchi et al (US 3842493).

Ohuchi discloses an iron core comprising: laminated magnetic plate strips, wherein the strip is a substantially hexahedral laminate strip (1) curved to formed a cylindrical-shaped iron core; the strip having a proximal portion with a plurality of teeth (2) projecting radially therefrom and both ends (6, 7) of the core proximal are joined by welding.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-3, and 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohuchi in view of Carpenter et al (US 2,845,555).

Ohuchi discloses the claimed invention, except for the added limitations of the lower rigidity of both end portions of the core proximal portion than that of the remainder thereof.

Carpenter, however, teaches an iron core having thickness of the proximal portion (37) of the core to be reduced to enable the curving of the magnetic hexahedral strip into a cylindrical core.

Regarding claims 3 and 5-6, Carpenter's teaching reducing the thickness of the strip's proximal portion, while Ohuchi also discloses the strip having notches to enable winding the strip into cylindrical core. Thus, it would have been obvious to an artisan to apply these teaching to reduce the rigidity of the end proximal portion by various ways including changing size or shape of the ends of the proximal portion.

Thus, it would have been obvious to one skilled in the art at the time the invention was made to modify the Ohuchi magnetic hexahedral strip with reduced thickness to reduce rigidity, as taught by Carpenter. Doing so would enable the curving of the magnetic hexahedral strip into a cylindrical core. Furthermore, it would have been obvious to one skilled in the art at the time the invention was made to modify the Ohuchi magnetic hexahedral strip with smaller diameter at the circumferential end portions of the core to reduce rigidity thereof because this is a various way of

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applying the teaching of Carpenter or Ohuchi to enable the winding of the magnetic laminate strip so that facilitately it can be wound into a cylindrical core.

***Allowable Subject Matter***

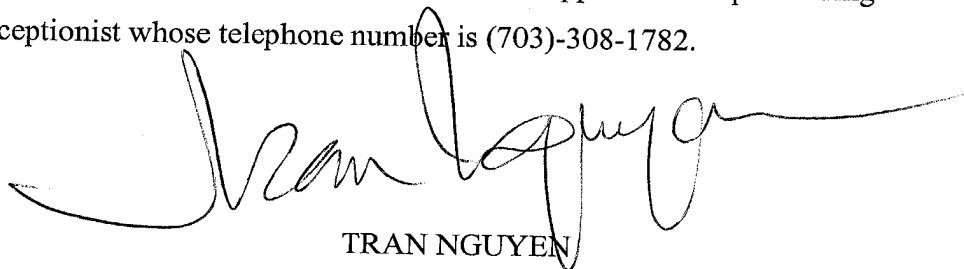
5. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Communication***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tran N Nguyen whose telephone number is (703) 308-1639. The examiner can normally be reached on M-F 6:00AM-2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703)-308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-3431 for regular communications and (703)-395-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-1782.



TRAN NGUYEN

PRIMARY PATENT EXAMINER

TC-2800